

Notice of Allowability

Application No.

09/839,784

Examiner

Mary J. Steelman

Applicant(s)

DEMELLO ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/01/2006.
2. ☒ The allowed claim(s) is/are 1-11 & 13-30 (to be renumbered in order).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 08/11/2006
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 10/11/06-attached.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. This Office Action is in response to Remarks and Amendments received 01/01/2006 and IDS received 08/11/2006. Per Applicant's request, claims 1-6, 8, 10-11, 13, 15, 28, and 29 have been amended. Claims 1-11 and 13-30 are pending.

Information Disclosure Statement

2. IDS received 08/11/2006 has been considered.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Susan C. Murphy, Reg. No. 46,221 on 11 October 2006.

The application has been amended as follows:

IN THE CLAIMS:

1. (Currently Amended) A method of branding; a computer program comprising the acts of:
 - receiving a triggering event registering a computer program that renders encoded digital content, wherein registering the program indicates that a first copy of the computer program has been downloaded to a first computing device from an originating distributor, wherein the originating distributor is that distributor of the renderable digital content from which the first copy was downloaded and that said first copy is to be branded with information associated with the originating distributor ~~of the renderable digital content~~, the computer program further comprising an embedded limited-function web browser, wherein the embedded limited-function web browser provides a content-shopping feature that displays a directory of distributors comprising the originating distributor and other non-originating distributors and automatically connects to an Internet website of a selected distributor from the directory;
 - transmitting data identifying the originating distributor ~~from which the first copy was downloaded to the first computing device~~;
 - receiving acknowledgement from said first computing device; and
 - providing branding instructions to said first computing device in response to receiving the acknowledgement, said branding instructions comprising placing the originating distributor ~~from which the first copy was downloaded~~ first in the directory, a supplier of said computer program controlling which renderable digital content-providing distributors are displayed in said directory based on agreements between said supplier and said content-providing distributors.

2. (Currently Amended) The method of claim 1, wherein said providing act comprises:

providing instructions to said first computing device which cause said first copy of said computer program to display a logo associated with said originating distributor.

3. (Currently Amended) The method of claim 1, wherein said providing act comprises:

providing instructions to said first computing device which cause said first copy of said computer program to display a link to a web site associated with said originating distributor.

5. (Currently Amended) The method of claim 1, wherein said directory includes a link to a web site associated with said ~~first~~originating distributor.

8. (Currently Amended) The method of claim 1, further comprising the acts of:

receiving an indication that a second copy of said computer program has been downloaded to a second computing device and that said second copy is to be branded with a second distributor different from said originating distributor ~~of the first copy of the computer program~~;

transmitting identifying the second distributor to said second computing device; receiving acknowledgment from said second computing device; and

providing second branding instructions to said first computing device, said second branding instructions being different from said first branding instructions.

11. (Currently Amended) The method of claim 1, wherein said originating distributor is a retailer.

13. (Currently Amended) The method of claim 1, wherein said originating distributor is a wholesaler.

15. (Currently Amended) A method of branding; a computer program that has been provided to a first computing device, comprising the acts of:

receiving information indicative of a distributor of encoded digital content to be rendered by the computer program, wherein the computer program comprises encoded digital content-rendering software and an embedded limited-function web browser and content shopping program that displays a directory of distributors and automatically connects to an Internet website of a selected distributor from the directory;

providing branding data based on said received information to a first computing device for durable storage on said first computing device in response to a triggering event comprising registration of the computer program;

following said act of providing branding data, receiving said stored branding data from said first computing device; and

in response to receiving said stored branding data, providing branding instructions to said first computing device based on said received branding data, said branding instructions comprising placing an originating distributor from which the computer program was received first in a list of electronic content-providing entities displayed on said first computing device by the computer program, a supplier of said computer program controlling which content providing entities are displayed in said list based on agreements between said supplier and said content-providing entities and wherein the originating distributor comprises an entity of the content-providing entities from which the computer program was received.

THE END

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4. The following is an examiner's statement of reasons for allowance:

Regarding independent claim 1, as Applicant has noted on page 10, 2nd paragraph of Remarks, Horstmann, Newman, Chanos, Perkowski, and other cited prior arts, taken alone or in combination, fail to teach or suggest all limitations including:

“receiving a triggering event registering a computer program that renders encoded digital content, wherein registering the program indicates that a first copy of the computer program has been downloaded to a first computing device from a originating distributor of the renderable digital content and that said first copy is to branded with information associated with the originating distributor of the renderable digital content, the computer program further comprising an embedded limited-function web browser, wherein the embedded limited-function web browser provides a content-shopping features that displays a directory of non-originating distributors and automatically connects to an Internet website of a selected originating or non-originating distributor from the directory;”

Moreover, evidence for modifying the prior art teachings by one of ordinary skill level in the art was not uncovered so as to result in the invention as recited.

Such limitations are similarly recited in all other independent claims, claims 15, 28, and 29. Thus, all claims, claims 1-11 and 13-30 (to be renumbered in order) are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Steelman, whose telephone number is (571) 272-3704. The examiner can normally be reached Monday through Thursday, from 7:00 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached at (571) 272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mary Steelman

A handwritten signature in cursive script, appearing to read "Mary Steelman".

10/11/2006